

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
SUBREGION 33

ROSCOE READY-MIX, INC.

Employer

and

Case 33-RC-4986

TEAMSTERS, LOCAL 325

Petitioner

**REGIONAL DIRECTOR'S REPORT ON CHALLENGED BALLOTS AND ORDER  
APPROVING STIPULATION**

Pursuant to a petition filed on May 9, 2006, and a Stipulated Election Agreement approved by the Acting Regional Director on May 18, 2006, there was an election conducted on June 15, 2006, among employees of the Employer in the following appropriate collective-bargaining unit:

All full-time and regular part-time drivers, plant operators, maintenance men, and mechanics employed by the Employer at its Belvidere, Pecatonica, and Roscoe, Illinois facilities and its Beloit, Wisconsin facility; EXCLUDING operating engineers, casuals, office clerical employees, professional employees, confidential employees, managerial employees, guards and supervisors as defined in the Act.

The tally of ballots made available to the parties at the conclusion of the election discloses the following results:

Approximate number of eligible voters .....	40
Void ballots .....	0
Votes cast for Petitioner.....	17
Votes cast against participating labor organization .....	20
Valid votes counted.....	37
Challenged ballots.....	5
Valid votes counted plus challenged ballots .....	42

Challenges are sufficient in number to affect the results of the election.

No objections to conduct of the election or to conduct affecting the results of the election were filed by either party within the time provided.

On June 23, 2006, the Employer and the Petitioner entered into a Stipulation<sup>1</sup> agreeing that the Acting Regional Director, without making findings of fact or conclusions of law, and without recommending to the National Labor Relations Board, may overrule the challenges to the ballots of David Saunders, Patrick Owens, Joseph Willems, Dennis Hutson, and Derl Beadnell. Also in the Stipulation, the parties expressly waive their right to file exceptions to this Report on Challenged Ballots, and waive their right to a decision by the National Labor Relations Board based on such report or to a hearing in this matter.

The undersigned, having carefully considered the matter, concludes that it is not inconsistent with the purposes and policies of the Act to approve the Stipulation of the parties.

### **CONCLUSION AND ORDER**

In accord with the foregoing conclusion, and having approved the Stipulation of the parties,

**IT IS HEREBY ORDERED** that the Stipulation of the parties is approved.

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<sup>1</sup> A copy of the Stipulation is attached as Exhibit 1.

**IT IS FURTHER ORDERED** that the ballots of David Saunders, Patrick Owens, Joseph Willems, Dennis Hutson, and Derl Beadnell will be opened and counted at the offices of Subregion 33 in Peoria, Illinois at a time and date to be determined, and that a revised tally of ballots shall issue.

June 26, 2006

/s/ Leonard J. Perez  
Leonard J. Perez, Acting Regional Director  
National Labor Relations Board  
Subregion 33  
Suite 200  
300 Hamilton Boulevard  
Peoria, Illinois

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TEAMSTERS, LOCAL 325

Petitioner

**STIPULATION FOR RESOLUTION OF CHALLENGED BALLOTS**

**IT IS HEREBY STIPULATED** by and between Roscoe Ready-Mix, Inc. and Teamsters, Local 325, for the purposes of the above-captioned proceeding, that:

1. Pursuant to a petition filed on May 9, 2006, and a Stipulated Election Agreement approved by the Acting Regional Director on May 18, 2006, there was an election conducted on June 15, 2006, among employees of the Employer in the following appropriate collective-bargaining unit:

All full-time and regular part-time drivers, plant operators, maintenance men, and mechanics employed by the Employer at its Belvidere, Pecatonica, and Roscoe, Illinois facilities and its Beloit, Wisconsin facility; EXCLUDING operating engineers, casuals, office clerical employees, professional employees, confidential employees, managerial employees, guards and supervisors as defined in the Act.

2. The tally of ballots made available to the parties at the conclusion of the election discloses the following results:

Approximate number of eligible voters .....	40
Void ballots .....	0
Votes cast for Petitioner .....	17

Votes cast against participating labor organization .....	20
Valid votes counted.....	37
Challenged ballots.....	5
Valid votes counted plus challenged ballots.....	42

Challenges are sufficient in number to affect the results of the election.

3. No objections to conduct of the election or to conduct affecting the results of the election were filed by either party within the time provided.

4. The ballots of David Saunders and Patrick Owens were challenged by the Petitioner on the ground that each is a supervisor within the meaning of Section 2(11) of the Act and not properly included in the bargaining unit.

5. The ballot of Joseph Willems was challenged by the Petitioner on the ground that he is not properly included in the unit.

6. The ballots of Dennis Hutson and Derl Beadnell were challenged by the Employer on the ground that each is employed by another employer.

7. The ballots of Dennis Hutson and Derl Beadnell were challenged by the Board Agent on the ground that neither of their names appears on the *Excelsior* list.

8. The parties agree that David Saunders and Patrick Owens do not have and do not exercise supervisory authority within the meaning of Section 2(11) of the National Labor Relations Act, and are appropriately included in the unit.

9. The parties agree that Joseph Willems, Dennis Hutson, and Derl Beadnell are appropriately included in the unit.

10. **IT IS HEREBY STIPULATED** that the Acting Regional Director, without making findings of fact or conclusions of law, and without recommending to the National Labor Relations Board, may overrule the challenges to the ballots of David Saunders, Patrick Owens, Joseph Willems, Dennis Hutson, and Derl Beadnell.

11. The parties hereby waive their right to a decision by the National Labor Relations Board or to hearing with respect to the challenges to the ballots of David Saunders, Patrick Owens, Joseph Willems, Dennis Hutson, and Derl Beadnell, and to file exceptions to the Regional Director's Report on Challenged Ballots in Case 33-RC-4986.

12. The parties agree that the Acting Regional Director may, open and count the ballots of David Saunders, Patrick Owens, Joseph Willems, Dennis Hutson, and Derl Beadnell, at a time, date, and place determined by him.

ROSCOE READY-MIX, INC.

Dated: 6/26/06 By: Fred Gants Attorney  
(Representative) (Title)

TEAMSTERS, LOCAL 325

Dated: 6/26/06 By: Marc M. Pekay Attorney  
(Representative) (Title)

Approved: /s/ Leonard J. Perez Date: 6/26/06  
Leonard J. Perez, Acting Regional Director  
National Labor Relations Board  
Subregion 33  
Suite 200  
300 Hamilton Boulevard  
Peoria, Illinois 61602-1246